

UNITED STATES DISTRICT COURT
 for the
Western District of Washington

FILED	LODGED
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06/23/2021	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA BY DEPUTY	

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 A white 2011 Ford Fusion, more fully described in
 Attachment A

}

Case No. 3:21-mj-05138

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

A white 2011 Ford Fusion, more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. § 113(a)(3), (a)(6)
18 U.S.C. § 922(j)

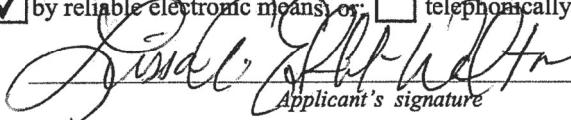
Offense Description

Assault With a Dangerous Weapon, Assault Resulting Serious Bodily Injury, Possession
of a Stolen Firearm

The application is based on these facts:

- See Affidavit of FBI Special Agent Lissa A. Eastvold-Walton, attached hereto and incorporated herein by reference.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: by reliable electronic means, or telephonically recorded.



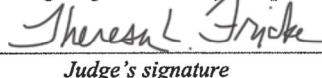
Lissa A. Eastvold-Walton
Applicant's signature

Lissa A. Eastvold-Walton, Special Agent

Printed name and title

- The foregoing affidavit was sworn to before me and signed in my presence, or
- The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 06/23/2021



Theresa L. Fricke
Judge's signature

City and state: Tacoma, Washington

Hon. Theresa L. Fricke, United States Magistrate Judge
Printed name and title

1 **ATTACHMENT A**
2

3 **Description of Property to be Searched**
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5 A white 2011 Ford Fusion SE, Washington license plate number BYT5853,
6 VIN number 3FAHPOHA7BR123525, registered to Spencer Howard,
7 which was seized by the Puyallup Tribal Police Department for evidence
8 preservation and is currently located FBI's secure storage facility in Seattle,
9 Washington.
10

ATTACHMENT B

Description of Items to be Searched for and Seized

This warrant authorizes the government to search for and seize:

1. Evidence, instrumentalities, and/or fruits of the violation of Title 18, United States Code, Sections 113(a)(3) and (a)(6) (assault with a dangerous weapon and assault resulting in serious bodily injury) or 922(j) (possession of a stolen firearm), including but not limited to the following items:

- Firearms and firearms-related items, including but not limited to shells, casings, magazines, ammunition, and holsters, or other dangerous weapons;
 - Items of personal property that tend to identify the person(s) in control or ownership of the vehicle, including but not limited to photographs, mail, identification documents, and keys;
 - Electronic devices, such as cell phones (the government would not search any such devices without first securing a separate search warrant);
 - Bodily (serological) fluids, including but not limited to blood and saliva, and items which may contain such fluids, including but not limited to clothing, shoes, and floor and vehicle surfaces;
 - Firearms or explosive residue, including any items or surfaces which may contain such residue;
 - DNA evidence, including any items which may contain DNA of the perpetrator(s), witness(es) or victim(s);
 - Trace evidence, including but not limited to flesh, hair and skin, and items which may contain such trace evidence, including but not limited to fabric, shoes and clothing;

- 1 • Control samples for comparison analyses, including but not limited to
2 carpet and fabric.
- 3 • Latent fingerprints, including surfaces which may contain latent
4 fingerprints;
 - 5 • Major or “full” inked case fingerprints, including all palm surfaces
6 of possible perpetrator(s), witness(es) or victim(s) for comparison
7 analysis.

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AFFIDAVIT

County of Pierce)
State of Washington)

Lissa A. Eastvold-Walton, being first duly sworn on oath, deposes and says:

INTRODUCTION AND AGENT BACKGROUND

7 1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI)
8 and have been so employed since June of 2014. I am assigned to the Seattle Division of
9 the FBI and currently work from the FBI office in Tacoma, Washington. Prior to
10 becoming a SA, I was employed as a licensed professional counselor and attended
11 graduate school to earn a doctoral degree in rehabilitation psychology. As a Special
12 Agent, I have participated in numerous investigations involving, but not limited to, mail
13 fraud, wire fraud, public corruption, health care fraud, physical and sexual assault, child
14 pornography, bank robbery, arson, kidnapping, firearms, and crimes on Indian
15 Reservations and military bases. I have gained experience through training at the FBI
16 Academy and everyday work relating to conducting these types of investigations.

17 2. I am an investigative or law enforcement officer of the United States within
18 the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered
19 by law to conduct investigations and to make arrests for federal felony offenses.

20 3. The facts set forth herein are based on my own personal knowledge,
21 knowledge obtained from other individuals during my participation in this investigation,
22 including other law enforcement officers, interviews of cooperating witnesses, review of
23 documents and records related to this investigation, communications with others who
24 have personal knowledge of the events and circumstances described herein, and
25 information gained through my training and experience. Because this affidavit is
26 submitted for the limited purpose of determining whether there is probable cause in
27 support of the application for a search warrant, it does not set forth each and every fact
28 that I or others have learned during the course of this investigation. I have set forth only

the facts that I believe are essential to establish the necessary foundation for an order authorizing a search warrant.

4. This application is being presented by reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41(d)(3).

INTRODUCTION AND PURPOSE OF AFFIDAVIT

5. This affidavit is submitted for the limited purpose of establishing probable cause to search the following vehicle, as particularly described in Attachment A to this Affidavit:

A white 2011 Ford Fusion SE, Washington license plate number BYT5853, VIN number 3FAHPOHA7BR123525, registered to Spencer Howard, which was seized by the Puyallup Tribal Police Department for evidence preservation and is currently located at the FBI's secure storage facility in Seattle, Washington.

I seek the Court's authorization to search the above vehicle for evidence of violations of Title 18, United States Code, Sections 113(a)(3) and (a)(6) (assault with a dangerous weapon and assault resulting in serious bodily injury) and 922(j) (possession of a stolen firearm), for which any person may be charged. The evidence I seek is described in detail in Attachment B hereto.

SUMMARY OF PROBABLE CAUSE

6. At approximately 3:15 a.m. on June 21, 2021, officers from the Puyallup Tribal Police Department (PTPD) and the Tacoma Police Department (TPD) responded to 911 calls about shots fired at 2101 E. 38th Street in Tacoma, Washington (the “Residence”). The Residence is located within the exterior boundaries of the Puyallup Indian Reservation and is a tribal housing property owned by the Puyallup Tribe. A woman with the initials SS is the registered tenant for the Residence.

7. First responders found an unconscious male (TB) with three gunshot wounds in the yard of the Residence near the western fence. A Ruger SR9c 9 mm handgun was located next to TB, and his girlfriend, SL, was by his side. SL became agitated while officers were on scene and at one point screamed, "I shot him." SL also

1 said that JS (her ex-boyfriend) had shot TB. SL is the daughter of SS, the tenant of the
 2 Residence. Law enforcement briefly detained SL at the scene due to her erratic behavior
 3 and then released her.

4 8. The first TPD officer on scene has reported that he was told by a PTPD
 5 officer that JS is upset because his ex-girlfriend, SL, is now dating TB. The PTPD
 6 officer also reported that JS had arrived at the scene in a white Ford Fusion while SL and
 7 TB were standing outside, and that JS used an AR-15 and a Glock 17 to shoot from the
 8 driveway at TB several times. Finally, the TPD officer was told by the PTPD officer that
 9 TB fired back with a Taurus handgun before falling to the ground, and that JS fled the
 10 scene in the white Ford Fusion. I am working to obtain more specific information about
 11 the source of this information and how it was obtained by the PTPD officer.

12 9. A neighbor told first responders that she was inside her house when she
 13 heard gunshots. The neighbor said she came outside and saw TB and SL running away
 14 as more shots were being fired. She also said that she could see flashes and that a vehicle
 15 left the scene at a high rate of speed.

16 10. TB was transported by ambulance to St. Joseph Medical Center in Tacoma,
 17 Washington. As of June 22, 2021, TB is on a ventilator and has not regained
 18 consciousness.

19 11. Law enforcement located two additional firearms at the Residence. An
 20 AR-15 semi-automatic rifle was found on the ground next to a red Ford Mustang parked
 21 in the driveway of the Residence, and a Glock 17 handgun was located on the ground
 22 behind a second vehicle in the driveway. Seventeen shell casings were recovered from
 23 the scene.

24 12. JS arrived by private vehicle at Tacoma General Hospital, and was
 25 subsequently transferred by ambulance to St. Joseph Medical Center where he underwent
 26 surgery for a bullet wound to the stomach. Before JS was taken into surgery, a detective
 27 from PTPD interviewed him. JS told the detective that he had been at an informal
 28 memorial a half block away from the Residence with two friends, MB and EF. The

1 memorial is for a Puyallup tribal member who was killed in 2019. JS reported that his
 2 friend MB left the memorial and went to the Residence where he spoke to SL, who is
 3 JS's ex-girlfriend. MB called JS down to the residence and told him that SL wanted to
 4 speak with him. JS said that he then walked to the Residence, where he had a friendly
 5 conversation in the yard in front of the house with SL. JS reported that at some point
 6 during this conversation a black male exited the Residence clutching a handgun and
 7 started shooting. JS reported that he shot back at the black male with his Glock 17 (fifth
 8 generation) and that he was shot during this exchange. JS said that his friend EF pulled
 9 up in a vehicle and picked him up, and that he left his Glock at the scene. JS also said
 10 that he and EF briefly went to a McDonalds in Tacoma before EF dropped him off at
 11 Tacoma General Hospital. JS said they stopped at the McDonalds because they were
 12 panicking and did not know where the hospital was located.

13 13. The vehicle used to transport JS to Tacoma General Hospital was left at
 14 Tacoma General and is the subject vehicle for which a search warrant is sought through
 15 this application. PTPD had the vehicle impounded, and it has now been moved to the
 16 FBI's secure storage facility in Seattle. The vehicle is described as follows and a picture
 17 of the vehicle taken at Tacoma General Hospital is included below:

18 A white 2011 Ford Fusion SE, Washington license plate number BYT5853,
 19 VIN number 3FAHPOHA7BR123525, registered to Spencer Howard,
 20 which was seized by the Puyallup Tribal Police Department for evidence
 21 preservation and is currently located at the FBI's secure storage facility in
 Seattle, Washington.

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14. JS was re-interviewed by law enforcement at St. Joseph Medical Center
15. later in the day on June 21, 2021. JS stated that he was at a memorial for his cousin who
16. was killed, getting drunk with a group of people. The group moved down to the
17. Residence, where SL was already located. JS reported that SL's current boyfriend got
18. insecure and said he saw the boyfriend pull a gun first, which scared him. JS reported
19. that the boyfriend shot at him and then he shot back at the boyfriend.
20.
21.

22. 15. Law enforcement interviewed JS's mother at the hospital. She reported that
23. JS had been with MB and EF on the night/morning in question, and that JS has a red
24. iPhone with a cracked screen and no case. A red cell phone that matches this description
25. is visible inside the subject vehicle on the floor between the passenger seat and the
26. passenger door. JS's mother also told law enforcement that she believed SL shot JS
27. because a few months ago SL posted a photo on Snapchat of herself holding a rifle with a
28. caption saying she was going to shoot JS.

1 16. Later in the morning on June 21, 2021, law enforcement located and
 2 interviewed EF, the cousin of JS who dropped JS off at Tacoma General. EF did not
 3 answer many questions, but did say that he was at the memorial when he heard gunshots.
 4 EF reported that he then ran to his uncle's house and picked up his cousin's car, which he
 5 used to pick up JS from the Residence. EF's cousin, initials SH, is the registered owner
 6 of the subject vehicle.

7 17. Law enforcement ran database checks on the Glock 17 handgun recovered
 8 from the scene. It was determined that the handgun was stolen from Port Orchard,
 9 Washington. As noted above, JS admitted to law enforcement that he shot at TB with a
 10 Glock 17 and that he left the Glock at the scene.

11 18. I have confirmed that JS and SL are enrolled members of the Puyallup
 12 Tribe, and MB is an enrolled member of the Muckleshoot Tribe.

13 19. As discussed above, law enforcement has been given conflicting reports
 14 about what occurred at the time of the shooting. There is no dispute, however, that both
 15 JS and TB were shot with dangerous weapons and suffered serious bodily injury. I am
 16 seeking the requested warrant to search the subject vehicle in an attempt to obtain further
 17 evidence, including but not limited to forensic evidence (such as bodily fluids, DNA,
 18 trace evidence, fingerprints, etc.), weapons, and digital devices, that may provide
 19 additional information about what happened at the time of the shooting and leading up to
 20 the shooting. Although the requested warrant seeks authority to seize digital devices
 21 from the subject vehicle, it does not seek authority to search any such devices. Law
 22 enforcement would not search any seized devices without first obtaining specific
 23 authority to do so through a subsequent search warrant.

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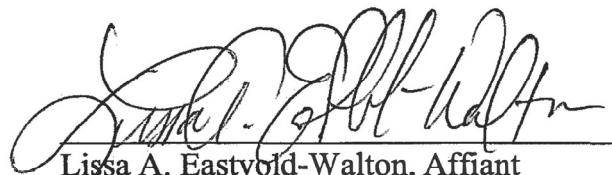
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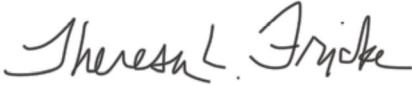
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1 CONCLUSION

2 20. For the foregoing reasons, I respectfully submit there is probable cause to
3 search the subject vehicle, more particularly described in Attachment "A" hereto, for the
4 evidence described in Attachment "B" hereto.

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6 Lissa A. Eastvold-Walton, Affiant
7 Federal Bureau of Investigation
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11 The above-named agent provided a sworn statement attesting to the truth of the
12 contents of the foregoing affidavit by telephone on the 23rd day of June, 2021.
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15 
16 THE HONORABLE THERESA L. FRICKE
17 United States Magistrate Judge
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1 **ATTACHMENT A**
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3 **Description of Property to be Searched**
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 - Firearms or explosive residue, including any items or surfaces which may contain such residue;
 - DNA evidence, including any items which may contain DNA of the perpetrator(s), witness(es) or victim(s);
 - Trace evidence, including but not limited to flesh, hair and skin, and items which may contain such trace evidence, including but not limited to fabric, shoes and clothing;

- 1 • Control samples for comparison analyses, including but not limited to
2 carpet and fabric.
- 3 • Latent fingerprints, including surfaces which may contain latent
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